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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,757	11/06/2001	Keith Homer Baker	7836XD2	7035

27752 7590 01/02/2003

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EXAMINER

ELHILO, EISA B

ART UNIT PAPER NUMBER

1751

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,757

Applicant(s)

BAKER ET AL.

Examiner

Eisa B Elhilo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16-32, 35-39, 41-53 and 74 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-14, 16-32, 35-39, 41-53 and 74 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1 This action is responsive to the amendment filed on October 31, 2002.

2 The rejection of claims 1-14, 16-32, 35-39, 41-53 and 74 under 35 U.S.C. 112, 2<sup>nd</sup>  
paragraph, is withdrawn because of the applicant's amendment.

3 Claims 1-7, 9-14, 16-30, 35-39, 41-45, 47-51 and 74 stand rejected under 35 U.S.C.  
103(a) as being unpatentable over de Buzzaccarini (US 4,767,563), for the reasons set forth in  
the previous office action on paper No. 4, dated 6/19/2002.

4 Claims 1-3, 9-10, 13-14, 31-32, 36, 46-47 and 52-53 stand rejected under 35 U.S.C.  
103(a) as being unpatentable over Kitamura et al. (US 5,306,444), for the reasons set forth in the  
previous office action on paper No. 4, dated 6/19/2002.

5 Claims 1-7 and 9-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over  
Soldanski et al. (US 5,431,840), for the reasons set forth in the previous office action on paper  
No. 4, dated 6/19/2002.

6 Claims 1 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen  
et al. (US 5,482,644), for the reasons set forth in the previous office action on paper No. 4, dated  
6/19/2002.

### ***Response to Applicant's Arguments***

7 Applicant's arguments filed 10/31/2002 have been fully considered but they are not  
persuasive.

With respect to the rejection based upon de Buzzaccarini (US' 563), Applicant argues  
that the reference teaches composition suitable for hard surfaces, not shoes. The applicant also  
argues that the reference teaches a composition containing abrasive components and therefore,

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would not appear to be formulated to achieve damage reduction as is provided by the present composition due to the deleterious effect such as abrasives would have on leather, canvas, and other shoe materials.

The examiner respectfully, disagrees with the above arguments because the reference teaches a composition having excellent cleaning characteristic for removing grease/oily soils and inorganic particulate soils that deposit on polished shoes (see col. 2, lines 7-9). Further, the examiner would like to point out that the reference's disclosure is not applied to claims 52 and 53 wherein the leather is recited. Therefore, it would have been obvious to use such a composition for cleaning or treating shoes since the composition comprises similar ingredients and should have similar properties.

With respect to the rejection based upon de Kitamura (US' 444), Applicant argues that the reference does not teach a composition suitable for application to shoes as claimed.

The examiner respectfully, disagrees with the above arguments because the reference teaches composition having ingredients similar to those claimed and therefore, the composition should have similar properties to those claimed, in the absence of contrary.

With respect to the rejection based upon de Soldanski (US' 840), Applicant argues that the reference does not teach a composition suitable for application to shoes as claimed.

The examiner respectfully, disagrees with the above arguments for the same reasons stated above.

With respect to the rejection based upon Nguyen (US' 644), Applicant argues that the reference fails to consider the negative aspect of chromium removal and instead teaches away

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from the present inventive composition by advocating detergent compositions that bind and removal all heavy metals including chromium.

The examiner respectfully, disagrees with the above arguments because the reference teaches a composition comprising chromium-binding agent and due to the indent of use the person of the ordinary skill in the art would optimize the percentage amount of the agent in order to adjust the level of the chromium ion in the composition. Therefore, the prima facie case of obviousness has been established.

The examiner advised the applicants to provide a data or showing to provide that the claimed composition demonstrates unexpected and unobvious results over the prior art's compositions.

8 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (703) 305-0217. The examiner can normally be reached on M - F (7:30-5:00) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Elhilo

December 27, 2002



YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
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